

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

XOCHI QUETZAL HAENA FLORES,

CASE NO. C19-438 MJP

Plaintiff,

ORDER DISMISSING CASE WITH
PREJUDICE

V.

MARIKO K DOERNER,

Defendant.

Before the Court is a *pro se* complaint filed by Plaintiff, Xochi Quetzal, Haena Flores.

Dkt. No. 5. The court must dismiss the complaint if it is (1) frivolous or malicious; (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2); *see Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir., 1998). The complaint here alleges:

Defendant, as Guardian Ad Litem, was supposed to file a report in case 15030006t87-1 by 03/02/2017. Defendant has not yet filed any report.

1 Dkt. No. 5 at 5. Plaintiff also alleges that Defendant should be investigated for “human
2 trafficking,” and has violated the due process clause of the Fifth and Fourteenth Amendments as
3 well as 42 U.S.C. § 1983. Id. Plaintiff seeks \$100,000 in damages. Id.

4 It is the finding of this Court that the complaint fails to state a claim upon which relief
5 can be granted, and further that the defects cannot be cured through amendment; thus, dismissal
6 should be with prejudice.

7 Guardians ad litem (“GAL”) enjoy “quasi-judicial immunity” from liability. A long line
8 of cases in the forum state have applied this form of immunity to GALs who act “as an arm of
9 the court” (Barr v. Day, 124 Wn.2d 318, 322 (1994)) and within the scope of their statutory
10 duties. West v. Osborne, 108 Wn.App. 764, 733 (2001). Additionally, Washington statutes
11 specifically state that a GAL “shall be deemed an officer of the court for the purpose of
12 immunity from civil liability.” RCW 13.34.105(2).

13 Because the defendant is a GAL and immune from liability for acts in the performance of
14 her statutory duties, the Court orders Plaintiff’s complaint DISMISSED with prejudice.

16 The clerk is ordered to provide copies of this order to Plaintiff and to all counsel.

17 Dated April 3, 2019.

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Marsha J. Pechman
United States Senior District Judge